UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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WILLIAM GRECIA,   No. 18 Civ. 10426 (   )

      Plaintiff,

                                    COMPLAINT

         v.

SPRINT COMMUNICATIONS COMPANY,   **JURY TRIAL DEMANDED**
L.P.,

      Defendant.

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      William Grecia brings this patent-infringement action against Sprint Communications

Company, L.P. (hereinafter, "Sprint").

Parties

      1.   William Grecia is an individual. He maintains a residence in Downingtown,

Pennsylvania.

      2.   Sprint is a Delaware limited partnership, having a principal place of business in

Overland Park, Kansas.

Jurisdiction and Venue

      3.   This action arises under the patent laws of the United States, 35 U.S.C. §§ 101, *et

seq.*

      4.   This Court has subject matter jurisdiction over this action under 28 U.S.C. §§

1331 and 1338(a).

      5.   This Court may exercise personal jurisdiction over Sprint. Sprint conducts

continuous and systematic business in New York and in this District. Sprint maintains corporate

offices in this District. This patent-infringement case arises directly from Sprint's continuous and systematic activity in this District. In short, this Court's exercise of jurisdiction over Sprint would be consistent with traditional notions of fair play and substantial justice.

6.   Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b)(1) and 1400(b).

Claim Construction

7.   On September 8, 2018, the Court (Sullivan, J.) entered an order construing claim terms set forth in the patent-in-suit. *Grecia v. Mastercard Int'l Inc.*, Case No. 15-cv-9059 (RJS) (S.D.N.Y. Sept. 8, 2018) (Doc. 89). "Metadata of the encrypted digital media" means "data that describes the digital media." (*Id.* at 11; *see also id.* at 9 n.4 ("digital media" synonymous with "digital content".).) "Encrypted digital media" means "data capable of being processed by a computer." (*Id.* at 11.) "Verified web service" means "a web service that is used to authenticate the identity of a user or device." (*Id.* at 12.) "Corresponding to the encrypted digital media" modifies the claim term "membership verification token." (*Id.* at 13.) "Verification token" means "data that represents permission to access digital media or cloud digital content." (*Id.* at 15.) "Identification reference" means "an identifier that can be used to identify a user or device." (*Id.* at 16.)

Infringement of U.S. Patent No. 8,402,555 (the "'555 patent")

8.   William Grecia hereby realleges and incorporates by reference, as if fully set forth herein, the allegations of paragraphs 1-7 above.

9.   William Grecia is the exclusive owner of the '555 patent, which is attached hereto as "Exhibit 1."

10.   The '555 patent is valid and enforceable.

11.   Claim 15 covers, "A computer program product for use with a computer, the

computer program product comprising a non-transitory computer usable medium having a computer readable program code stored therein for monitoring access to an encrypted digital media, the method facilitating interoperability between a plurality of data processing devices, the computer program product performing the steps of . . . ." (Ex. 1 ('555 patent), col. 16:46-52.) Sprint sells "Galaxy" telephone products that contain a central processing unit ("CPU") and a Samsung Pay application program code stored therein for monitoring access to an encrypted digital media. These Sprint phones monitor access to a user's digital media (his or her digital financial content) by creating a computer readable authorization object for the Samsung Pay application.

12.   The claim 15 computer product practices the step, "receiving an encrypted digital media access branding request from at least one communications console of the plurality of data processing devices, the branding request being a read or write request of metadata of the encrypted digital media, the request comprising a membership verification token provided by a first user, corresponding to the encrypted digital media . . . ." (Ex. 1 ('555 patent), col. 16:53-59.) The Galaxy phones that Sprint sells receive an access request, a "write request," for financial data, receiving an original primary account number ("PAN") from the Samsung Pay.APK (the "communications console").

13.   The claim 15 computer product practices the step "authenticating the membership verification token, the authentication being performed in connection with a token database . . . ." (Ex. 1 ('555 patent), col. 16:60-63.) The Galaxy phones that Sprint sells include a CPU that authenticates the PAN using a database of supported card issuers. *See, e.g.*, www.samsung.com/us/samsung-pay/compatible-cards/.

14.   The claim 15 computer product practices the step, "establishing a connection with

the at least one communications console wherein the communications console is a combination of a graphic user interface (GUI) and an Application Programmable Interface (API) protocol wherein the API is related to a verified web service, the verified web service capable of facilitating a two way data exchange to complete a verification process . . . ." (Ex. 1 ('555 patent), col. 16:63-17:2.) The Galaxy phones that Sprint sells contain a CPU that establishes a connection with the Samsung Pay.APK communications console and the Samsung Token Requestor. The Samsung Pay.APK has an API related to the Samsung Token Requestor web service, pursuant to the EMVCo Standard Tokenization 1.0 specification. The Samsung Pay.APK is comprised of the Galaxy phone's GUI for receiving the PAN and a Token Requestor web service API.

15.   The claim 15 computer product practices the steps, "requesting at least one electronic identification reference from the at least one communications console wherein the electronic identification reference comprises a verified web service account identifier of the first user; receiving the at least one electronic identification reference from the at least one communications console . . . ." (Ex. 1 ('555 patent), col. 17:3-8.) The Galaxy phone that Sprint sells uses the Samsung Pay.APK, and the Galaxy phone requests and receives from the Samsung Pay.APK a Tokenized PAN (i.e., an identification reference), which has been, in turn, requested and received from the Samsung Token Requestor API web service.

16.   The claim 15 computer product practices the step, "branding metadata of the encrypted digital media by writing the membership verification token and the electronic identification reference into the metadata." (Ex. 1 ('555 patent), col. 17:9-11.) The Galaxy phone that Sprint sells contains a CPU that writes the PAN and the Tokenized PAN numbers to metadata of the Samsung Pay digital financial content. The Galaxy phone that Sprint sells writes

the metadata to describe what Tokenized PAN data is associated with the original PAN data.

17.   Claim 23 of the '555 patent is, "The computer program product according to claim 15, wherein the encrypted digital media is associated with an identifier stored in a database, the identifier being cross-referenced with a corresponding token from the list of associated tokens stored in the token database for verification." (Ex. 1 ('555 patent), col. 18:8-12.) The Samsung Pay digital financial content is associated with a Payment Account Reference ("PAR"). The PAR is cross-referenced with a Tokenized PAN that is associated with an Original PAN to verify a user account during transactions.

18.   See claim chart attached as "Exhibit 2," incorporated herein.

Prayer for Relief

WHEREFORE, William Grecia prays for the following relief against Sprint:

(a)   Judgment that Sprint has directly infringed claims 15 and 23 of the '555 patent;

(b)   A reasonable royalty;

(c)   Pre-judgment interest and post-judgment interest at the maximum rate allowed by law;

(d)   Post-judgment injunction; and

(e)   Such other and further relief as the Court may deem just and proper.

Demand for Jury Trial

William Grecia demands a trial by jury on all matters and issues so triable.

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Date: <u>November 9, 2018</u>   Respectfully Submitted,

/s/ Matthew M. Wawrzyn
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